

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

MAY 27 2004

LUTHER D. THOMAS, Clerk  
By: Deputy Clerk

DIGITAL ENVOY, INC. )

Plaintiff )

vs. )

GOOGLE, INC. )

Defendant )

CIVIL ACTION


FILE NO: 1:04-CV-0864-CAP

JURY TRIAL REQUESTED

**NOTICE OF FILING SUBSTITUTED PAGE**

Upon review of Plaintiff's Initial Disclosures, filed with the Court May 17, 2004, counsel for Plaintiff Digital Envoy, Inc. discovered a typographical error on page 2. A corrected page 2 is included with this notice, and the clerk is hereby requested to substitute this page 2 for the page 2 originally filed with the Court.

Respectfully submitted this 26<sup>th</sup> day of May, 2004.

  
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secrets beyond its license constitutes an actionable misappropriation of Digital Envoy's trade secrets. Under state law, Digital Envoy is entitled to recover its actual damages, disgorgement of Google's earnings from the misappropriation and an injunction. Further, Google's actions were willful, malicious and in bad faith such that Digital Envoy is entitled to punitive damages.

**Count II - Federal Unfair Competition.** Digital Envoy contends that Google has committed violations of 15 U.S.C. § 1125(a), and continues to commit such violations. Specifically, Google falsely designates the origin of certain of its services, and misleads in its description or representations of fact, deceiving others. As a result, Digital Envoy is entitled to recover its actual damages, Google's profits, treble damages, an injunction and attorneys' fees.

**Count III - Georgia Unfair Competition.** Digital Envoy contends that Google has committed acts in violation of Georgia unfair competition law for the same reasons described in Count II. As a result, Digital Envoy is entitled to an injunction and attorneys' fees.

**Count IV - Common Law Unfair Competition,** Digital Envoy contends that Google's conduct as to be proven in this action constitutes

**CERTIFICATE OF COUNSEL**

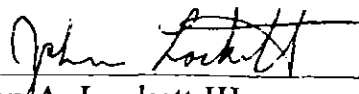
This is to certify that on this day, I served a copy of the within and foregoing **NOTICE OF FILING SUBSTITUTED PAGE** upon opposing counsel by U.S. Mail, postage prepaid to:

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This is to further certify, pursuant to Local Rule 7.1(D), that the font and point size, Times New Roman 14, used in this brief comply with Local Rule 5.1(D).

This 26<sup>th</sup> of May, 2004.

  
\_\_\_\_\_  
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